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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,427

11/03/2006

Stephan Betz

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EXAMINER

GRABOWSKI, KYLE ROBERT

ART UNIT

PAPER NUMBER

3725

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,427	<b>Applicant(s)</b> BETZ ET AL.	
	<b>Examiner</b> Kyle Grabowski	<b>Art Unit</b> 3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because of the presence of language not in the English language, and therefore not a clear representation. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Smulson (US 6,586,078).

4. In respect to claim 1, Smulson discloses a method of lamination comprising: providing a web of printed material 14 comprising a plurality of printed units 12 arranged in rows (Fig. 1); forming slot-shaped through holes 22 which runs between the printed units 12, perpendicular to a longitudinal direction of the web 14 (Fig. 3); arranging in layers the printed web 14 and an upper film-type web 44 and a lower film-type web 46 (Fig. 2); laminating the webs (14, 44, and 46) to form a composite (Col. 5, 48-54) and dividing the composite between the printed units 12 such that each unit has on at least one side a strip which does not comprise a part of the printed web 14 (laminated borders 68) (Fig. 4).

5. In respect to claims 2 and 3, the slots 22 may be pre-punched (Col. 4, 43-45) and slots 24 comprise additional cuts in the longitudinal direction (Fig. 3).

6. In respect to claim 4, Smulson discloses the claimed subject matter for the reasons stated above, including that the printed webs units 12 are arranged at predefinable spacings (Fig. 3)

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7. In respect to claims 5, 6, 15, and 16, the width of the strip directly correlates with the width of the slot 22 which also defines the spacing between printed web units 12 (as the lamination forming the strip melds through the slot). In either case, whether half or full width of the spacing between printed web units 12, the width of the strip *corresponds* to the width of the spacing (i.e. more spacing, more strip width).

8. In respect to claims 7 and 17, each printed web unit 12 is incorporated with an RFID antenna 16 which is printed thereon (Col. 3, 20-24, Fig. 3) which may be integrated in the printed web before lamination (Col. 2, 44-47).

9. In respect to claims 8, 9, 18, and 19, the composite (laminate sheet) 50 is cut and punched into final laminated cards 60 (Col. 5, 54-56, Fig. 4)

10. In respect to claims 10 and 20, the film-type webs 44 and 46 are made of a plastic material such as vinyl, which is "suitable for lamination" (Col. 5, 18-20).

Considering the indicia and graphics printed on the interior web (intended to be viewed), as well as concepts well known in the lamination art, it is considered implicit in the disclosure that the selected vinyl is light-transparent.

11. In respect to claims 11 and 12, the methods disclosed in claims 1-10 above produce the claimed structure. Smulson does not disclose using the laminate for bound documents such as passports and/or identity papers however this is only an intended use of the invention and does not lend itself to patentable subject matter. Similarly, the laminated strip is not disclosed as being for fixing into a document, but this is only intended use of the structure.

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12. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Uno (US 5,897,144). Uno discloses a passport including a plurality of pages 2 and an identity (individual data page) laminated with a film and sewn via threads 4 into a document at a laterally arranged strip (laminated gutter) (Abstract, Fig. 15A).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smulson (US 6,586,078). Smulson substantially discloses the claimed subject matter for the reasons stated above but does not disclose the film type layers being made of a polybutylene/terephthalate mixture however it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a

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polybutylene/terephthalate mixture as a suitable laminating material for the film type layers since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Grabowski whose telephone number is (571)270-3518. The examiner can normally be reached on Monday-Thursday, every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571)272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Grabowski/  
Examiner, Art Unit 3725

/Dana Ross/  
Supervisory Patent Examiner, Art  
Unit 3725